United Nations CCPR/C/SWE/QPR/7

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the seventh periodic report of Sweden*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 40 of the Covenant.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide detailed information on:

(a) Any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law through which the Covenant has been applied or used as a tool to interpret domestic law by Swedish courts;

(b) Significant political and administrative measures adopted since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, and their objectives and results; and

(c) Steps taken to establish a mechanism to consistently ensure the compatibility of domestic law, at all levels of government, with the Covenant, and particularly on the strategies to ensure that all rights protected under the Covenant are observed in practice and in principle in the law of the State party (CCPR/C/SWE/CO/6, para. 5).

* Adopted by the Committee at its 110th session (10–28 March 2014).

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Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

2. Please indicate whether the State party envisages reconsidering its position on withdrawing or reviewing its reservations to article 10, paragraph 3, to article 14, paragraph 7, and to article 20, paragraph 1, of the Covenant. If not, please explain why it does not intend to do so (CCPR/C/SWE/CO/6, para. 6).

3. Please provide updated information on:

(a) The effects of the consolidation of the Ombudsman's mandate as of 1 January 2009, the steps taken to strengthen her or his independence and mandate to offer effective protection against all forms of discrimination, and the number of cases in which discrimination was established by the Ombudsman; and

(b) The progress made, if any, in establishing an independent national institution with a broad human rights mandate, which is provided with adequate financial and human resources, in conformity with the Paris Principles (CCPR/C/SWE/CO/6, para. 4).

4. Please provide information on the procedures and mechanisms that are in place to implement the Committee's concluding observations (CCPR/C/SWE/CO/6, para. 22) and its Views under the Optional Protocol to the Covenant.

Counter-terrorism measures and respect for rights guaranteed in the Covenant (arts. 2, 7, 9, 14, 17 and 26)

5. Please report on the specific measures taken to:

(a) Ensure that the State party's counter-terrorism legislation and practices are in full conformity with the provisions of the Covenant, especially articles 9 and 14;

(b) Limit the reported discrepancy between the number of arrests and number of convictions under the Terrorism Act; and

(c) Assess the impact of application of the Terrorism Act, including on minority communities, and in particular to prevent the reported police profiling and discrimination in the administration of justice.

6. Please provide information about the safeguards to ensure that the gathering, storage and use of personal data pursuant to the 2008 Law on Signals Intelligence in Defence Operations (Surveillance Act) are consistent with the State party's obligations under article 17 of the Covenant. Has the processing and gathering of information been subject to review and supervision by an independent and impartial body (CCPR/C/SWE/CO/6, para. 18)?

7. Please provide updated information on the steps taken to effectively investigate the alleged involvement of the Swedish authorities in rendition and detention programmes, and on any follow-up measures.

Prohibition of torture and of other cruel, inhuman or degrading treatment or punishment, treatment of persons deprived of their liberty, and protection of the security of persons (arts. 2, 6, 7, 9, 10, 13 and 14)

8. Please indicate whether, and to what extent, the State party envisages:

(a) Incorporating a specific crime of torture into its domestic criminal law; and

(b) Reviewing its rules and provisions on the statute of limitations applicable to criminal charges of conduct amounting to torture, and bringing them fully in line with international standards.

9. Please indicate whether, and to what extent, the State party envisages:

(a) Ensuring that all persons held in detention are afforded fundamental legal safeguards that include the right to have access to a lawyer – including, where necessary, a public defence counsel – from the very outset of their deprivation of liberty, and the right to have access to an interpreter;

(b) Ensuring that all restrictions on contacts between pre-trial detainees and the outside world do not exceed what is strictly necessary given the exigencies of the situation; and

(c) Establishing an independent civilian body with the authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police (CCPR/C/SWE/CO/6, para. 15) to provide access to effective remedies for police misconduct.

10. Please report on specific measures that have been taken to address allegations of police violence and the use of excessive force by the police. Please provide statistics on the annual number of complaints of police violence lodged since 2009, the number of investigations opened, their outcome, and any penalties imposed on police officers who had resorted to excessive force or violence.

11. Please report on whether the State party plans to establish an adequate monitoring and reporting system on the use of electroshock therapy in psychiatric institutions so as to prevent any abuses (CCPR/C/SWE/CO/6, para. 11).

Non-discrimination and rights of non-citizens (arts. 2, 26 and 27)

12. Please provide information on:

(a) Whether the Anti-Discrimination Act (2008:567) provides protection against all forms of discrimination, and on the availability of legal remedies for wrongful acts by private individuals or public officials and for discrimination based on political opinion, social origin or the use of a particular language; and

(b) Measures to address the reportedly growing social exclusion and de facto segregation in the State party along ethnic and socioeconomic lines, which resurfaced during the 2013 riots in Stockholm and other municipalities and which mainly impact foreign-born persons, particularly Afro-Swedes and Muslims, and on the results of the Comprehensive National Strategy for Integration with a view to addressing prevailing discrimination against persons of foreign origin throughout the country.

13. Please provide updated information on the effectiveness of the measures taken to ensure equal enjoyment by Roma of the rights under the Covenant, and in particular on strategies to overcome continued prejudice against Roma in Swedish society, to enhance access by Roma to education, employment, housing and health care, to protect Roma from hate crimes, and to provide redress to the individuals affected on the basis of the Anti-Discrimination Act.

Equal rights of men and women, and non-discrimination of women (arts. 2, 3 and 26)

14. What recent efforts have been made to narrow the wage gap between men and women and to facilitate full-time employment for women (CCPR/C/SWE/CO/6, para. 7)?

Violence against women and children (arts. 2, 3, 7, 8, 24 and 26)

15. Please provide updated information on:

(a) The effectiveness of the measures and strategies in the State party to prevent and combat violence against women, including domestic and sexual violence, marital rape, and violence at work, and of the steps for rehabilitating men convicted of sexual violence and violent offences in close relationships, taking into account the Committee's previous recommendations (CCPR/C/SWE/CO/6, para. 8);

(b) The scope of and reasons for underreporting of sexual offences, especially against persons with disabilities, and any measures that are being taken to increase the level of reporting;

(c) Steps taken in order to combat sexual attacks against minors; and

(d) The availability and adequacy of legal and social services for women and children who are victims of domestic and sexual violence, including those with special needs, in particular women and children with disabilities.

16. Please provide updated information on:

(a) The practical application of the newly amended provisions of the Criminal Code that introduce stricter penalties for the offences related to trafficking in persons, including children;

(b) The effectiveness of the protection and assistance measures in the State party, including shelter and medical treatment, for persons vulnerable to or exposed to prostitution and trafficking;

(c) Efforts to train law enforcement officers and judges to proactively identify and respond to cases of sexual exploitation, labour exploitation and trafficking in persons, and to prosecute and punish such acts;

(d) Assistance and protection for the victims of sexual exploitation and trafficking, regardless of their cooperation in investigations, and reparation for victims;

(e) Efforts to ensure that victims of sexual exploitation and trafficking, including children, are not arrested, subjected to lengthy detention and deported, for breach of immigration regulations; and

(f) Measures to combat child sex tourism.

17. What specific measures is the State party taking or planning to take to protect foreign labourers employed in the berry-picking sector from labour exploitation, inadequate living conditions and debt bondage?

Refugees and asylum seekers (arts. 2, 7, 9, 13, 14 and 24)

18. Please provide updated information on:

(a) The compatibility with the Covenant, in particular its articles 13 and 14, of the laws and practices concerning returns of refugees and asylum seekers from the territory of the State party, including the accelerated procedures under the Aliens Act;

(b) Grounds for expulsion and the procedures leading to it, including those for reaching a decision on the legality or illegality of a person's stay in the country; and

(c) Efforts to limit the length of detention of asylum seekers (CCPR/C/SWE/CO/6, para. 17).

19. Please provide updated information on cases in which the State party has relied on diplomatic assurances since the adoption of its last concluding observations and describe in detail the mechanisms, including judicial mechanisms, put in place to ensure that the State party's reliance on assurances fully met its obligations under the Covenant. Please clarify, in the context of "qualified security cases" under the Act concerning Special Controls in Respect of Aliens, what circumstances are considered by the Migration Court of Appeal as impediments to the enforcement of expulsion orders.

20. Please provide information on the alleged forced repatriation of 531 Iraqi nationals in 2012 and specify the measures and mechanisms put in place to ensure that this specific repatriation and other deportations of this kind do not result in a violation of the rights protected under the Covenant.

21. Please assess the implementation of the EU-funded European Return Platform for Unaccompanied Minors, which is intended to initiate the return of unaccompanied children to their countries of origin, despite often serious risks of violence, military recruitment and destitution, which may give rise to the violations of the Covenant. Please also indicate the number of unaccompanied children who have been returned thus far.

Protection of minority groups (arts. 2, 9, 18, 19, 20 and 26)

22. In light of the Committee's previous concluding recommendations (CCPR/C/SWE/CO/6, para. 19), please provide updated information on the measures taken to prevent, combat and criminalize hate speech, which has reportedly been on the rise against Muslims, Afro-Swedes, Roma and Jews. Please also indicate whether the State party intends to address the question of hateful online messages directed against members of such groups. Moreover, please comment on the effectiveness of the measures taken to curb hate speech and hate crimes and clarify whether these are applied throughout the country.

23. Given the reported increase in hate crimes, including physical assaults against members of religious minorities including Muslims and Jews, and attacks against their places of worship, please provide information on measures taken to ensure equal enjoyment of the right to freedom of religion or belief in full conformity with article 18 of the Covenant. Please elaborate on the efforts to review school textbooks and materials in order to prevent stereotypes and discriminatory attitudes towards minority congregations. Please also indicate whether the State party intends to address the chronic negative portrayal in the media of members of the Muslim minority.

Indigenous peoples (arts. 1, 2, 14, 25, 26 and 27)

24. In light of the Committee's previous concluding observations, please provide updated information on:

(a) Legislative and other measures that have been adopted to ensure respect for the right of Sami communities to offer free, prior and informed consent and effective participation in decision-making whenever their rights may be affected by projects, including for the extraction of natural resources, carried out in their traditional territories and impacting on the means of subsistence for the Sami people (CCPR/C/SWE/CO/6, para. 20);

(b) Measures that have been taken to facilitate the adoption of the new legislation on Sami land and resource rights, in consultation with the communities concerned (CCPR/C/SWE/CO/6, para. 20), and the measures envisaged to contribute to the timely negotiation and adoption of a Nordic Sami Convention; and

(c) Steps taken to grant adequate legal aid to Sami villages in connection with court disputes concerning land and grazing rights, and plans to develop legislation providing for a flexible burden of proof and lighter standards of proof in such cases as well as alternative means for settling land disputes (CCPR/C/SWE/CO/6, para. 21).

Rights of persons with disabilities (arts. 2 and 26)

25. Please provide information on:

(a) Measures to increase awareness among persons with disabilities about their rights and the possibilities to seek protection and redress against violations of their rights, including in institutional care;

(b) The practical accessibility of disabled persons to social services and goods, including at the municipality level, measures to increase the employment rate for persons with disabilities, including those with reduced work capacity (CCPR/C/SWE/CO/6, para. 10), and the ability of private schools to deny admission to students with disabilities if the costs of integrating them are deemed too high.